

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Case: 2:10-cv-15063
Judge: Roberts, Victoria A
MJ: Morgan, Virginia M
Filed: 12-21-2010 At 01:42 PM
CMP BARBRA LEWIS-CLARK, ET AL V HARPER HOSPITAL, ET AL (LG)

Barbra Lewis-Clark, Individually
and as Personal Representative of the
Estate of Henry O. Clark, Jr., Deceased
18485 Oakfield, Detroit, MI 48235
(313) 362-1927 phone / (313) 362-1928 fax
Plaintiffs

Wayne County 3rd Circuit Court No.:
03-340704NH and 03-324303NH
Michigan Court of Appeals No.: 273716
Michigan Supreme Court No. 135892
U.S. Supreme Court No.:

V

Harper Hospital an assumed name of Harper-Hutzel Hospital,
a Michigan corporation and the Detroit Medial Center,
a Michigan corporation

James Joseph Glazier, MD; John Barnwell, MD;

Jennifer Piper, RN; Treva Neino, RN;

jointly and severally

N. RUTHERFORD ✓
KALLENE RUTHERFORD ✓
VIRGINIA TEKELLI, R.P.N.

Defendants

COMPLAINT AND DEMAND FOR JURY

JURISDICTION AND VENUE

This Court has jurisdiction over this case under Other Civil Rights 28:1331cv, Medical Malpractice 28:1331mm and Personal Injury 28:1331pi.

Venue is proper in this case under 28 U.S.C. § 1391 and 28 U.S.C. § 1391 and 28 U.S.C. § 1400 (a) as a substantial part of the events giving rise to the claims occurred in Detroit, Wayne County, Michigan.

PERSONAL BACKGROUND

Henry O. Clark, Jr. suffered a massive hemorrhagic stroke at the age of 47 while working on the line at Chrysler Warren Truck on September 13, 1997. After an hour, he was taken to Macomb Hospital Center currently known today as St. John Macomb in Warren, Michigan. Mr. Clark was in a coma for eight (8) days. He remained in the hospital for

about 60 - 90 days. Mr. Clark and the personal representative (Exhibit 2) were divorce at this time (re-married December 1997). Mr. Clark has two daughters, Chandra Clark Young (adopted) (Exhibit 1) as Atty. Welglarz repeated to Judge Wendy Baxter several times and biological daughter, Kallene Rutherford. While Mr. Clark was in a coma, Ms. Kallene Rutherford assigned Code II status to her father. In other words, she and his family gave up on Mr. Henry O. Clark, Jr. (Exhibit 2, Macomb Hospital Social Work, dated 9/15/97) and drafted a note (Exhibit 3) for Macomb Hospital (front desk) to DENY visitation to Barbara Lewis-Clark. Ms. Kallene Rutherford would deny that such a note existed while on the stand during one of the Evidentiary Hearings. On September 18, 1997, Barbara Lewis- Clark met with the supervisor at Macomb Hospital Social Work department, Chandra and Barbara Lewis-Clark was added to the visitation list (about five days after Mr. Clark was admitted). Chandra Clark Young and Barbara Lewis-Clark never gave up on Henry O. Clark, Jr. While in the coma, Mr. Clark would communicate with Chandra and Barbara Lewis-Clark. In fact, on the eighth day of the coma, Mr. Clark opened his eyes to see Barbara Lewis-Clark. On September 22, 1997, Mr. Clark was asked if he had one daughter, he shook is head NO. Ask if he had two daughters, Mr. Clark said YES (Exhibit 4). Even after the doctor told Mr. Clark that he may never walk again, he went on to walk 4-5 miles a day; do fifty sit-ups a day; travel; active in the College Park radio patrol; and promoted stroke awareness (all of these activities are captured in pictures and videos).

FACTUAL MEDICAL BACKGROUND

While preparing for a trip abroad in September 2001, Mr. Clark had a gall stone attack and entered Harper Hospital in May 2001. While a patient, someone tried to kill Mr. Clark by flooding his heart. I had visited my husband on my lunch break. Mr. Clark was fine, conversing with no complaints. Upon returning to work about 10-15 minutes from Harper Hospital to Detroit Housing Commission, my desk phone was ringing. Harper Hospital was calling to tell me that my husband may have suffered a heart attack. I immediately returned to Harper to find white coats surrounding my husband. I heard one of the physicians say "Mrs. Clark is here". Mr. Clark peeked through the white coats; we smiled at each other. I was informed that Mr. Clark did not suffer a heart attack. The physician (Exhibit 5, Discharge Instruction Form, dated May 10, 2001) suggested that Mr. Clark have his gall bladder removed. First, we contacted cardiologist Dr. Paul Sobotka (he was no longer at Detroit Medical Center) to have Mr. Clark exam to ensure that his heart was strong enough for surgery. Dr. Sobotka referred us to cardiologist James J. Glazier. Second, we request an appointment (Exhibit 6 Michigan Health Care Referral Form, dated May 15, 2001) for a second opinion. Both Dr. Glazier and Dr. Gordon gave Mr. Clark the green light for surgery. His heart was strong enough for surgery. Dr. Glazier referred us to surgeon Dr. John Barnwell. Mr. Clark was admitted to Harper Hospital late June 2001 to have his gall bladder removed.

On June 29, 2001, surgery was performed, with no problems per surgeon Dr. John Barnwell. Dr. Barnwell also stated that Mr. Clark would be in recovery two hours (I believe was the time frame). Then I could see my husband. At first Mr. Clark was lying

down; then he wanted to sit up in the chair. I reminded my husband that he just had surgery to take it easy. While sitting on the side of the bed, I saw blood on his gown. I called the nurse station. Nurse Neino stood in the doorway. She did not come to the bed to check on Mr. Clark. After informing her of the blood, Nurse Neino leaves without a word. A physician from surgery arrives stating he knew what the problem was. He applied pressure to the area for twenty minutes. The bleeding stops. As Mr. Clark and I (my feet with socks on the bed) are resting, Nurse Jennifer Piper enters the room. She notes that my feet are on the bed. She asks me if I am comfortable. I did not respond.

Chandra Clark Young (daughter) called Mrs. Clark when Mr. Clark told her about being dizzy, Lasix incident and nursing not caring for him. Please note that Mr. Clark told Nurse Neino that he does not take Lasix via IV. Mrs. Clark called the nurse station and spoke to Nurse Neino. During the phone call Nurse Neino was asked if Mr. Clark was on Lasix. She said no (Exhibit 9 says yes). Then she gave the phone to Dr. Glazier. Mrs. Clark asked Dr. Glazier about the Lasix. Mrs. Clark informed Dr. Glazier that she was on her way to the hospital. Mrs. Clark arrived between 6:00 – 6:30PM. When Mrs. Clark arrives at the hospital, Mr. Clark states that one of his arms is cold. Then Nurse Neino enters the room stating Mr. Clark had been hot and cold all day. After she leaves, Mr. Clark states that he cannot breathe. Mrs. Clark goes to the nurse station (located directly adjacent to the room). The PA asked if the bed is up. Mrs. Clark returns to the room to check. As Mrs. Clark returns to the nurse station, Mr. Clark yells out of the room, I am dying in here. Mrs. Clark rushes back to the room.

Nurse Piper arrives. Mr. Clark told Nurse Piper that he could not breathe. Mr. Clark ask Nurse Piper not to let him die. He asked her for an oxygen mask. Nurse Piper told Mr. Clark NO because she could not locate a pulse. Nurse Piper never located a pulse. She leaves the room without a word to us. The PA arrives to take Mr. Clark's pulse. She gets a pulse. Then she takes an EKG. A physician walks in and the PA hands him the EKG. He leaves the room without a word. The PA takes a second EKG. She calls for help for Mr. Clark. Dr. John Barnwell arrives to assist. He asked Mrs. Clark to leave the room. Then Dr. Barnwell calls out for a nurse. Mrs. Clark stands by the nurse station then moves to the waiting room. Two employees informed Mrs. Clark about the events leading up the present state that Mr. Clark is in. And, that management had called the floor to request employees to make reports. Mrs. Clark returns to stand next to the nurse station. Code Blue is call. A guard and a minister appeared next to Mrs. Clark. Dr. Barnwell and Mrs. Clark accompany Mr. Clark to the ICU NOT Dr. Glazier. I never saw Dr. Glazier ever during this time. I had spoken to him only once to inquire about the Lasix. Mrs. Clark waited in the ICU waiting room. No one came out to speak to me. The Director of Nursing entered the waiting room to address another family. I asked about my husband and told her that I retired to be with my husband. Her response to me was that I need to re-consider my retirement.

When Nurse Piper increased the heparin to 900mg she cause over-anticoagulation that caused Mr. Clark to bleed internally; veins to collapse (a technician could not locate a vein) and suffered a cardio-respiratory (Exhibit 7 Harper Progress Notes, dated July 1, 2001) (Exhibit 11 Harper Progress Notes Pharmacy Anticoagulation Service, dated 6/30/2001 warning of bleeding to Mr. & Mrs. Clark, giving us a booklet)

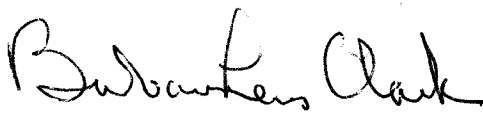
There is an antidote for heparin but Dr. Glazier did not order it. And, he waited until after Mr. Clark collapsed (I believe it was on July 1, 2001. Mr. Clark died on July 3, 2001) to order halt to heparin. Mr. Clark had every symptom of bleeding internally. And, he told them. Nurse Neino stated that Mr. Clark is dizzy and diaphoretic (Exhibit 8 Harper Progress Notes, dated July 1, 2001, 11:45AM). Dr. Glazier writes (Exhibit 8 Harper Progress Notes, dated July 1, 2001, 1:40PM) Mr. Clark dizzy, blood pressure down. It appears that Dr. Glazier is ordering more medication for Mr. Clark. Nurse Neino writes Lasix put on hold (Exhibit 9 Harper Progress Notes, dated July 1, 2001, 18:50PM or 6:50PM). On July 3, 2001, Dr. Glazier wrote unfortunately, has multi-system failure (Exhibit 10). No fault of Mr. Clark.

LEGAL

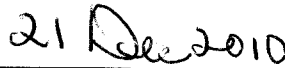
The following people gave depositions: James Barnwell, MD; Barbara Lewis-Clark, Jennifer Piper, RN; Treva Neino, RN; Virginia Tekieli, R,Ph; Randolph Regal, R.Ph.

James J. Glazier, MD did not give a deposition. This entire legal process has **not** been about getting justice for Mr. Henry O. Clark, Jr. It has been all about covering up his death and preventing those responsible from being held accountable by any means necessary. This was not medical errors. These people knew that their actions and lack of would lead to death. My husband was murder. I expected a trial (was told four years that there would be a trial. But when no trial was forthcoming, I went to Detroit Police Homicide Section to request an investigation. The Lieutenant told me that the "attorney did not request an investigation." My response was, "I am the wife asking for an investigation into the death of my husband." Judge Wendy Baxter stated that she did "not

want to sit through a three week trial.” The Fieger Law firm represented everyone but their client, Mr. Henry O, Clark, Jr. Several departments within the state of Michigan did their part to cover up the truth or harass. Even one of the Court of Appeals’ judge stated “you know that is not true” when my attorney said that Mr. Clark bled for two days prior to his death. I know that Mr. Clark bled for two days and his death certificate confirms it. Relief from Judgment to proceed to trial.



Barbara Lewis-Clark



Date

EXHIBITS

1. Exhibit 1- Order of Adoption
2. Exhibit 2 - Code II status
3. Exhibit 3 - Visitation Note
4. Exhibit 4 - Response to number of daughters – dated 9/22/ 1997
5. Exhibit 5 - Discharge Instruction Form (have gall bladder remove), dated May 10, 2001
6. Exhibit 6 - Michigan Health Care Referral Form, dated May 15, 2001
7. Exhibit 7 - Harper Progress Notes, Nurse Piper increase heparin, dated July 1, 2001
8. Exhibit 8- Harper Progress Notes, Nurse Neino and Dr. Glazier dated July 1, 2001
9. Exhibit 9 - Harper Progress Notes, dated July 1, 2001, 18:50PM or 6:50PM Nurse Neino Lasix
10. Exhibit 10 - Dr. Glazier, dated July 3, 2001
11. Exhibit 11 - Harper Progress Notes Pharmacy Anticoagulation Service, warning Mr. & Mrs. Clark of bleeding, dated June 30, 2001
12. Exhibit A - Complaint, Circuit Court dated December 12, 2003
13. Exhibit B - Case Inquiry Final 03-324303-NH, dated July 14, 2006 **and** B 2 Stipulated Order Dismissing Case No. 03-324303-NH, merging Plaintiff's Allegations and Claims in Case No. 03-324303-NH with Case No. 03-340704-NH and Adjourning Case Evaluation, dated February 11, 2005
14. Exhibit C- Order Re: Plaintiff's Motion Pursuant To MCR2.612(C)(1)(a) for Relief From Judgment, dated March 24, 2006
15. Exhibit D - Affidavit of Merit, dated December 11, 2003
16. Exhibit E - Motion Pursuant to MCR2.003 for Disqualification of Judge
17. Exhibit F - Michigan Court of Appeals 273716
18. Exhibit G – Barbara Lewis-Clark v James Glazier, MD Case Call
19. Exhibit H - Appellants' Brief Court of Appeals, dated April 4, 2007

STATE OF MICHIGAN PROBATE COURT COUNTY OF WAYNE	ORDER OF ADOPTION	FILE NO. 63278
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In matter of Chandra Danette Clark DOB: 6-4-69, Adoptee
Adopted name

COURT FINDS that:

EXHIBIT 1

petition for an order of adoption was filed.

All necessary orders terminating parental rights have been entered.

The Adoptee ☐ was made a ward of this Court.
☒ was not

The adoption of the Adoptee by Petitioner(s) is desirable and in the best interest of the Adoptee.

IS ORDERED that:

From and after this date the parent(s) of the Adoptee is/are:

Henry Oliver Clark, Jr. and Barbara Ann Clark
Name Name

The name of the Adoptee is Chandra Danette Clark

The Adoptee, if a ward of this Court, is discharged.

DEC 17 1987

L. J. Perry
Judge of Probate

Do not write below this line - For court use only



Macomb Hospital Center
Member of Detroit-Macomb Hospital Corporation

**DISCHARGE PLANNING
& SOCIAL WORK**

Clark, Henry O
795

9/13/97

744

EXHIBIT 2

DAY
DATE
TIME

DAY	DATE	TIME	Notes
Monday	9/15/97	1500	SW was asked by RN to open case & assist as needed. Pt. is a 47 yr old, black, divorced male, admit on 9/13/97 dx of acute CVA. Pt. is now on a vent, arousable to voice. SW met & pt's dtr in pt's room to get brief hx & provide emotional support. PTA pt. was completely (I) in all areas & was working @ Chrysler. Pt. had CVA @ work & was brought to MHC ER. Pt. usually goes to HF Hospital & St. Elizabeth's dtr stated she prefers pt. stay @ MHC. Pt's dtr. signed code II status & states that her entire family is in agreement to this decision. SW discussed w her possibility of guardianship if family members disagree about tx plan. SW will continue to provide emotional support & assist as needed. Henry O Clark

DISCHARGE PLANNING & SOCIAL WORK — PROGRESS NOTE

EXHIBIT 3

Information concerning the status
of Henry Clark may be released
only to the following,

Kallene Rutherford (daughter)

Henry Clark Sr & Sarah Clark (parents)

Linda Turner (sister)

Chandra Davis (dti)

Barbara Lewis

Anyone ~~else~~ should be asked to contact

Kallene @ 371-0948

or

Linda @ 882-6361

* ~~Barbara Lewis is not family and has not
received permission from the family to
visit or receive information.~~

Thank You
Kallene



Macomb Hospital Center
Member of Detroit-Macomb Hospital Corporation

**DISCHARGE PLANNING
& SOCIAL WORK**

EXHIBIT 4

DAY	DATE	TIME	
	9/22/97		Chart reviewed. Case discussed w RN + Dr. M Al-Hadidi this AM
Mon		2	Met at length w pt. Then met w his 2 daughters, Chandra +
	1140	3	Kaleen. Pt's condition exhibiting improvement. MD indicates
		4	probable extubation 9/23 or 9/24/97. Pt appears very alert today.
		5	Answered all questions (except yes) appropriately. Asked pt if
		6	he has 1 daughter - he ^{shook head} said "no" - asked pt if he has 2 daughters -
		7	he said "yes". S.W. asked pt if he wants his visitors to be limited
		8	to only his daughters - he shook head "NO". Asked pt if he wants
		9	open visiting to all family/friends - shook head "yes". S.W. notified
		10	MHC Info desk + daughters of above. All are in agreement. Notified
		11	daughters of ^{their} equal legal authority re: pt's care. Explained the
		12	reasoning to them. Both state understanding. Explained code form
		13	to both. New document completed. Both daughters have signed.
		14	Explained that if pt remains A+ox3 after extubation, he will be
		15	asked to sign own code form + to complete DDA + living will.
		16	Explained need of daughters to communicate with one another +
		17	support each other + pt. during his hospitalization + recovery. Kaleen
		18	states pt lives in 2 nd floor apt. Plan after % is for pt to stay
		19	w his sister in 1 st floor apt. Notified them of Dr M. Al-Hadidi's
		20	plan for extubation, I.T., + hopeful inpt. Rehab. S.W. also explained
		21	alternative % options if needed. Emotional support provided to both.

DISCHARGE PLANNING & SOCIAL WORK PROGRESS NOTE



DISCHARGE INSTRUCTION FORM

Please take this form to your doctor.

EXHIBIT 5
Henry Clark

92

Followup Care

Date of adm: 5/4/01

Date of discharge: 5/10/01

Make an appointment to see

Dr. Antonaccio Date/Time: May 17 10:15 Phone #: 387-109

Dr. _____ Date/Time: _____ Phone #: _____

Dr. _____ Date/Time: _____ Phone #: _____

Physical Activity

to as tolerated

Resume usual activities: ☐ Yes ☒ No

Specific limitations: _____

Diet

low salt
low cholType of diet: ☐ Regular ☐ Modified, specify _____Printed instructions given: ☐ Yes ☐ No

Instructions: 1500 cc fluid restriction

Medication

Aspirin 325mg daily

Aldactone 25mg daily

Lasix 40mg daily

Coumadin 2.5mg daily

Primidol 20mg daily

Plomax 0.4mg daily

Coreg 25mg twice daily

Lidocaine drops in each eye twice daily

Zelmac 250mg po QD x 4d

Post Discharge Plan

- ch have your gallbladder removed electively

SPECIAL INSTRUCTIONS ☐ None

*no Pravachol

J Coumadin today 1.25mg (1/2 tablet)
tomorrow 1.25mg (1/2 tablet)
thereafter 2.5mg (1 tablet)

Physician Signature

O. O. O. O.

Date 5/10/01

Special Instructions

(i.e. equipment/supplies/treatments)

Home Care Agency: _____

Equipment Supplier: _____

Date of Visit: _____

Delivery Date: _____

I have been instructed and understand the above information.

Signature

X Henry O. Clark Jr

(PATIENT OR PERSON RECEIVING INSTRUCTIONS)

Date May 10-01

Signature of Nurse

Janette

Date 5-10-01

Michigan HealthCare Referral Form

EXHIBIT 6

Date Written: 05 15 2001

Revised Referral:

Patient Name: CLARK

HENRY
FIRST

LAST

MEMBER I.D. # / Suffix: 383527073 0

DOB 01 13 1950

Plan Name: XBCN

Care Choice

OmniCare

Total Health Care

Blue Choice

Please see member ID card to
verify product line coverage:

Cape

HAP

SelectCare

Wellness Plan

Other MEDICARE
BX

Check if Applicable:

☐ Worker's Comp.

☐ Auto Accident

Referred By:

PCP Name: ATTANASIO

FRANCO

Tax ID #: 383021666

Phone Number: 313 387 1477

FIRST

Plan Assigned Provider ID #: 99043

Fax Number: 313 387 8455

Referred To:

Provider Name: GORDON

PAMELA

Tax ID #:

Phone Number:

Plan Assigned Provider ID #: P76984

Fax Number:

CARDIOLOGY

Address: 4201 ST ANNE

STREET

DETROIT

CITY

MI 4824

STATE

ZIP CODE

ICD-9 Dx Code: 428 0

Start Date: 05 15 2001

End Date: 06 15 2001

Location: X Provider Office

Outpatient Hospital

ER/UCC

* Facility Number:

Facility Name:

* Date of Service: 05 15 2001

FOR AMBULATORY SURGERY, LIST CPT4 BELOW

Special Services Requested

Consult or Office Visit

PLEASE SPECIFY THE NUMBER OF OFFICE VISITS

003

☐ Diagnostic Laboratory / Pathology **

☐ Audiology Evaluation

☐ Ophthalmological Services

☐ Radiology / Imaging **

☐ Cast / Fracture Care

☐ Surgery ** (CPT-4 code)

☐ Diagnostic / Therapeutic Studies **

☐ Oncology Services

(complete location section above)

☐ Injections & IV Therapy **

☐ Dialysis

☐ Pain Management **

☐ Allergy **

☐ OB / Gynecology

☐ Therapy **

Physical

Occupational

(Indicate # of visits)

Speech

Cardiac

Optional: to authorize only specific services,
write in CPT 4 Codes here:

☐ Other

☐ Other

☐ Other

☐ Other

☐ Other

COMMENTS: EMERGENCY APPT-

Required for ER/UCC, Therapy & Outpatient services.

** Refer to plan instructions.

THIS REFERRAL DOES NOT GUARANTEE PAYMENT. PLEASE CONTACT THE HEALTH PLAN TO VERIFY MEMBER ELIGIBILITY AND COVERAGE BENEFITS.

Revised June, 2000

ADMINISTRATIVE

Copyright, 1999
Michigan Association of Health Plans
All Rights Reserved



Harper Hospital
Detroit Medical Center / Wayne State University

EXHIBIT 7

PROGRESS NOTES

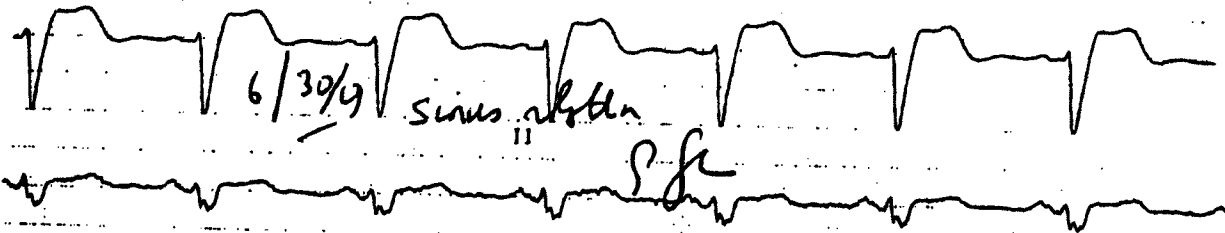
(PLEASE SIGN ALL ENTRIES)

GLAZIER, JAMES J.
8WS 840701

CRD

DATE

B487-1 CLARK, HENRY 6/27 GLAZIER TEL 134 30 JUN 01 23:28 HR 66 VPB 0 SINUS RHYTHM 25 mm/sec (8)
MCL



07/01/01 NSQ: monitor shows SR HR in the 60's
0245. V.S.S. @ 1000 PM 303 Heparin 1 to 900yhr
JURSE abd. dg. D+I Resting, quietly @ present.
PIPER Will continue to monitor
INCREASED THEFT
JURSE

WHO GAVE PERMISSION TO DO SO? HER ACTION LED TO THE BLEED.
CLARK, HENRY

Pharmacy Anticoagulation Service
Harper Hospital / RIM

☒ Heparin 106 ☐ Warfarin -
For: LV THROMBUS, CVA, AFB.
Labs: Date 7/1/00 0530 PTT = 106 secs INR = PT = 58 / 157 Bun/Cr. 33.7

Assessment:

Heparin: Target PTT: 48-71
Warfarin: Target INR: -

Comments:

Plan:

1. HOLD Heparin for 1 hr, then DECREASE heparin to 700 units/hour. Next PTT @ 1600 hrs
2. warfarin - Next PT/INR in AM.
3. Primary team to monitor for signs and symptoms of bleeding.
4. Other: PRIMARY TEAM TO determine when warfarin is to be restarted.

Pharmacist

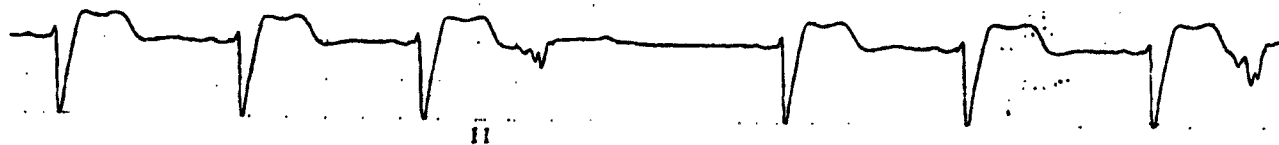
Date

Time

006

Contact pager # 9578 with questions at any time.
Contact 745-INR-9 for referral to coumadin clinic.

107-1 CLARK, HENRY 6/27 GLAZIER TEL 134 01 JUL 01 10:48 HR 62 VPB 6 SINUS BRADY FREQUENT VPBs 6
MCL



7/10/01
sinus brad, w/ P waves to QRS complex etc
EXHIBIT 8

2-1-01 1145°
Nag: clo incisional pain. Given
TAP #3 + TAP + MS 2mg IV
relief. V.S.S. Up to chair
on own tolerating activity
but becomes diaphoretic
moving around T 98'. Vitals
per written in ady amt.
Heparin 700 u/h BT 106.
Monitor showing SR & occasional
PVCs HR 60's - VT Normal (N)

07/01/01
96w MD

140 pm
Still has some incisional pain -
but relieved by Tylenol 3 + morph
sulfate

got dyspnea while in bed
BP had ↓ to 98 mmHg.

01
Br n ~ 120/70
0062

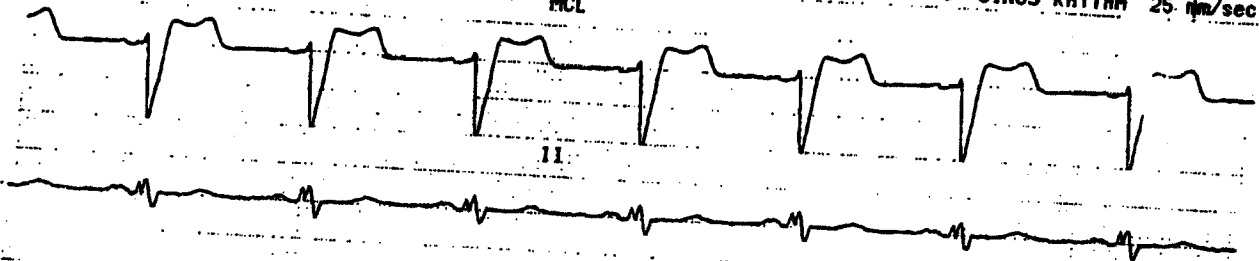
PROGRESS NOTES (PLEASE SIGN ALL ENTRIES)

Abt - soft
 mp - 8/25/6
 7/25 - will continue to follow
 recommend - keeping apt in
 therapeutic range.

EXHIBIT 9

[Signature]
 2005

CLARK, HENRY 6/27 GLAZIER TEL 134 01 JUL 01 15:00 HR 69 VPB 0 SINUS RHYTHM 25 mm/sec
 MCL



7/01
 1850

Msg: Pt. - episodes of dizziness
 while up at 8:00 AM. Pt. to
 urinate B/P 98/60 - 88/60.
 B. Service notified & in to
 see pt. X II also notified
 of episodes X 3 of N/V.
 Dr. Glazier int. see pt.
 Lasix put on hold X 24.
 & pt Tigam IM started. No
 further N/V since 1630.
 B/P remains low IV D5 1/2 NS
 @ 20 kcal @ 100cc/h patient
 Foley inserted. O2 at rest main-
 tained. Monitor showing

NURSE NEINO
 STATED TO
 ME THAT →
 LASIX WAS
 NOT GIVEN
 TO HENRY

Exhibit 10

Henry O. Clark Jr. died
today.

07/03/01

25th

Unfortunately, has multi-system failure.

958-1035

- While maintaining a system R00100-6 in instant process report, no other real + lesser failure
- Dr. Tybush's detailed comment reviewed
- We will continue full support for the me being - into the real-time that this strategy may change with changes of figures, shared notes

nb2



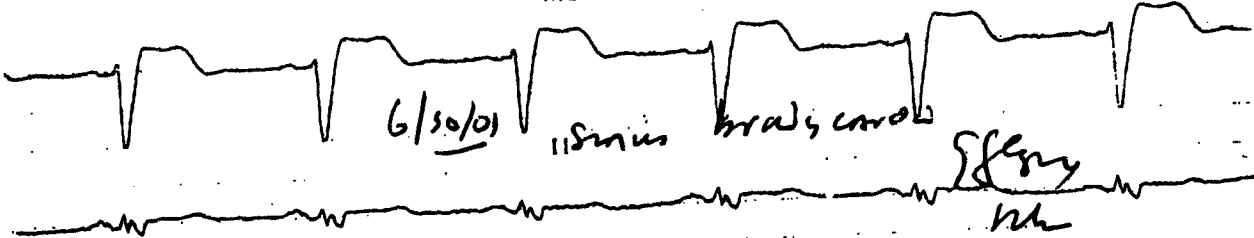
EXHIBIT 11

PROGRESS NOTES
(PLEASE SIGN ALL ENTRIES)

CLARK HENRY
M
GLAZIER, JAMES J.
8WS 840701
SITRG T/T 06/29/01
CRD

DATE

8407-1 CLARK HENRY 6/27 GLAZIER TEL 134 30 JUN 01 14:57 HR 57 VPB 0 SINUS BRADY 25 mm/sec
MCL



30-01 Neg: Monitor showing SB defect
1930 H/O 50s

Pharmacy Anticoagulation Service
Harper Hospital / RIM

Clark, Henry

X Heparin 800 units/hr. ☐ Warfarin on hold.
For: LV thrombus / CVA / A & B.
Labs: Date 6/30 @ 1700 PTT = 42.5 secs INR = 1.29 PT = 12.1 secs 74 / 36 118 / 36 Bun/Cr.

Assessment:

Heparin: Target PTT: 48-71
Warfarin: Target INR:

Comments: Discontinue heparin + coumadin therapy.
Provided coumadin teaching booklet.
Reinforced importance of notifying HCP of SIS bleeding.

Plan:

1. ↑ heparin 900 units/hour. Next PTT @ 2 am labs
2. on hold, warfarin. Next PT/INR in AM.
3. Primary team to monitor for signs and symptoms of bleeding.
4. Other: Primary team to assess when to restart Coumadin therapy.

Pharmacist: [Signature] 6/30/01 1900
9578 Date Time

Contact pager # 9578 with questions at any time.
Contact 745-INR-9 for referral to coumadin clinic.

0059

EXHIBIT A

JURY FEE PAID

THIS DATE

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

12 2003

BARBARA A. LEWIS-CLARK, Individually,
and as Personal Representative of the Estate
of HENRY O. CLARK, JR., Deceased

Plaintiff,

03-340704 NH 12/12/2003
JDG:WENDY M BAXTER
LEWIS CLARK BARBARA A PER REP
VS
GLAZIER JAMES MD

JAMES GLAZIER, M.D. and
VIRGINIA TEKEILI, R.Ph.,
Jointly and Severally,

Defendants.

GEOFFREY N. FIEGER (P30441)
TODD J. WEGLARZ (P48035)
Attorneys for Plaintiff
Fieger, Fieger, Kenney & Johnson, P.C.
9390 West Ten Mile Road
Southfield, Michigan 48075-2463
(248) 355-5555

COMPLAINT AND DEMAND FOR JURY

There are pending civil actions arising out of the
transaction or occurrence as alleged in this complaint,
Case Nos. 03-324303 NH, pending before Honorable
Wendy Baxter of the Wayne County Circuit Court.
The action remains pending.

Todd J. Weglarz.

NOW COMES the above named Plaintiff, BARBARA A. LEWIS-CLARK, Individually,
and as Personal Representative of the Estate of HENRY O. CLARK, JR., Deceased, by and
through her attorneys, Fieger, Fieger, Kenney & Johnson, P.C., and for her Complaint against the
above named Defendants, states unto this Honorable Court as follows:

1. That at all times relevant hereto, Plaintiff was and is the court appointed

Personal Representative of the Estate of Henry O. Clark, Jr., Deceased.

2. That at all times relevant hereto, Plaintiff Barbara Lewis-Clark was and is a resident of the City of Detroit, County of Wayne, State of Michigan.

3. That at all times relevant hereto, HARPER HOSPITAL, an assumed name of HARPER-HUTZEL HOSPITAL (hereinafter "HARPER"), was and is a Michigan corporation, doing business in the County of Wayne, State of Michigan, and is duly organized and existing under and by virtue of the laws of the State of Michigan.

4. That at all times relevant hereto, THE DETROIT MEDICAL CENTER (hereinafter "DMC"), was and is a Michigan corporation, doing business in the County of Wayne, State of Michigan, and is duly organized and existing under and by virtue of the laws of the State of Michigan.

5. That at all times relevant hereto, JOHN M. BARNWELL, M.D. (hereinafter "BARNWELL") was and is a licensed and practicing physician, board certified in the specialty of general surgery, practicing primarily in the specialty of general surgery, and doing business in the County of Wayne, State of Michigan.

6. That at all times relevant hereto, J. PIPER, R.N. (hereinafter "PIPER") was and is a licensed and practicing nurse, doing business in the County of Wayne, State of Michigan.

7. That at all times relevant hereto, J. NEINO, R.N. (hereinafter "NEINO"), was and is a licensed and practicing nurse, doing business in the County of Wayne, State of Michigan.

That at all time relevant hereto, Defendant JAMES GLAZIER, M.D. (hereinafter "GLAZIER") was and is a licensed and practicing physician, board certified in the specialty of internal medicine and subspecialty of cardiovascular diseases, practicing as a cardiologist, doing

business in the County of Wayne, State of Michigan.

That at all times relevant hereto, Defendant VIRGINIA TEKEILI, R.Ph (hereinafter "TEKEILI") was and is a licensed pharmacist practicing and doing business in the County of Wayne, State of Michigan.

8. That at all times relevant hereto, HARPER HOSPITAL is a corporation/entity owned, operated, and controlled by Defendant DMC, and was the situs for any and all of the wrongful/negligent actions recited herein, which occurred on the premises of HARPER HOSPITAL.

9. That at all times relevant hereto, Defendants GLAZIER and/or TEKEILI were the apparent, implied, and/or express agents and/or employees of HARPER and/or DMC, and were acting within the scope and course of their agency and/or employment when the acts of negligence, gross negligence, and/or wanton and willful misconduct, as more fully described herein, were committed.

10. That the amount in controversy herein exceeds Twenty Five Thousand Dollars (\$25,000.00), and is otherwise subject to the jurisdiction of this Court.

11. That Plaintiff's Decedent was a fifty one year old male at the time of the treatment alleged herein.

12. That on June 27, 2001, Plaintiff's Decedent was admitted to HARPER for a cholecystectomy to be performed by BARNWELL.

13. That at the time of Plaintiff's Decedent's admission to HARPER, his medical history included dilated cardiomyopathy, recurring attacks of acute pancreatitis secondary to cholelithiasis, atrial fibrillation, and previous stroke for which he was treated with

Coumadin.

14. That at the time of said admission, Plaintiff's Decedent's attending physician and treating treating cardiologist was Defendant GLAZIER.

15. That several days prior to Plaintiff's Decedent's admission, his Coumadin and aspirin were stopped to allow surgery to be performed in the absence of excess anticoagulation.

16. That on the morning of June 29, 2001, Plaintiff's Decedent underwent a cholecystectomy by BARNWELL and his assistant, Dr. Hu, at HARPER.

17. That after his surgical procedure, at approximately 3:30 pm, Plaintiff's Decedent started coughing, causing him to bleed profusely from the surgical site, causing the formation of a large hematoma on the upper right quadrant of said surgical site.

18. That at approximately 5:00 pm on June 29, 2001, the "Pharmacy Anticoagulation Service" from HARPER entered an order to restart Plaintiff's Decedent's Heparin at 10:30 pm, at 800 units per hour, with an instruction for the next PTT to be drawn in the morning at 5 or 6 am.

19. The following morning, on June 30, 2001, the PTT was not drawn as ordered, but the Decedent was seen by the Pharmacy Service at approximately 10:00 am, noting Decedent was receiving 800 units of Heparin per hour, with Warfarin on hold.

20. That the Pharmacy Anticoagulation Service from HARPER indicated a target PTT range for Plaintiff's Decedent between 48 and 71 seconds, and a target INR between 2 and 3.

21. That the Pharmacy Anticoagulation Service planned for the next PTT to be drawn at 2:00 pm.

22. That at 2:00 pm on June 30, 2001, Plaintiff's Decedent's hemoglobin dropped to 11.8, which was considered low by the laboratory.

23. That several hours later, at approximately 4:45 pm, Plaintiff's Decedent's PTT was 42.9, and INR 1.29.

24. That throughout the day of June 30, 2001, Plaintiff's Decedent's blood pressure ranged from 120 to the 140's systolic.

25. That on July 1, 2001, at approximately 2:45 am, PIPER noted Plaintiff's Decedent to be without complaints of chest pain or shortness of breath, and his Heparin was increased to 900 units per hour.

26. At 5:30 am, Plaintiff's Decedent's hemoglobin further dropped to 11.0, and his PTT further increased to 106, said value being deemed a "panic value", which was called to "Brian" 3 hours and 15 minutes later, at approximately 8:54 am.

27. That at approximately 9:00 am, on July 1, 2001, the Pharmacy Anticoagulation Service, through Defendant TEKEILI, reinforced its Heparin target PTT between 48 and 71, and planned to hold Heparin for one hour, and then to decrease same to 700 units per hour, followed by a PTT to be drawn at 4:00 pm that day.

28. That at 9:00 a.m. on July 1 2001, the Defendant TEKEILI and/or GLAZIER entered an order specifically requesting Plaintiff's Decedent's PTT to be drawn and measured at 4:00 pm, with instructions to report the results "stat" to the Pharmacy Service and/or on call pharmacist.

29. That at approximately 10:48 am, Defendant GLAZIER signed a rhythm strip indicating Plaintiff's Decedent was having "frequent VPB's".

30. That at approximately 11:45 am , NEINO noted Plaintiff's Decedent was diaphoretic, with the heart monitor showing a sinus rhythm with occasional PVC's, and a heart rate in the 60's.
31. That at approximately 12:20 pm, Defendant GLAZIER gave a verbal order to NEINO to hold the patient's Lasix for twenty four hours, which was not signed off by the nurse until 6:05 pm.
32. That at approximately 1:40 pm on July 1, 2001, Defendant GLAZIER tended to Plaintiff's Decedent to evaluate the findings of diaphoresis, dizziness, and hypotension (noting patient's blood pressure had dropped to 98 systolic), whereby a diagnosis of "hypotensive episode" was noted, though no cause therefore was determined, with the plan being to continue the Heparin, hold the Lasix, and keep the PTT in the therapeutic range.
33. That at approximately 2:10 pm, Plaintiff's Decedent was again hypotensive, with a blood pressure of 98/70 (and possibly even 78/70-since it appears the vital values for this date were altered), said hypotension persisting throughout the day.
34. That the PTT was never drawn at 4:00 pm as requested by HARPER's Pharmacy Anticoagulation Service, and Defendants TEKEILI, and GLAZIER, and thus no results were ever conveyed to the pharmacy service / on-call pharmacist "stat".
35. That at approximately 6:50 pm, on July 1, 2001, NEINO noted the patient was having continued episodes of dizziness while up at bedside, drops in blood pressure down to 98/60 and 88/60, and several episodes of nausea and vomiting, prompting NEINO to notify Defendant GLAZIER and advise of same.

That Defendant GLAZIER responded to NEINO's notifications by seeing

Decedent several times, and ordering Lasix to be withheld for 24 hours, and to start Tigan IM.

36. That in the alternative, Defendant GLAZIER never responded to Defendant WEINO's request to evaluate the patient, during which Plaintiff's Decedent's heart rate and blood pressure remained dangerously low.

37. At approximately 5:00 pm, PIPER administered Lasix to Plaintiff's Decedent through his IV line, which was witnessed by the Decedent's daughter.

38. That between 6:00 and 6:30 pm, on July 1, 2001, Plaintiff arrived at the hospital and upon grabbing Decedent's hand, felt it to be very cold.

39. That shortly after 7:15 pm, Plaintiff's Decedent was complaining he was unable to breathe, prompting Plaintiff to immediately run to the nursing station and request help.

40. That shortly after requesting help from the nursing staff, Plaintiff's Decedent yelled out he was dying, prompting a nurse to check his pulse, but was unable to get a reading.

41. That Plaintiff's Decedent then requested an oxygen mask because of his difficulty breathing.

42. That shortly thereafter, BARNWELL entered Plaintiff's Decedent's room, requesting Plaintiff to leave the room and requesting assistance from the nursing staff.

43. That at approximately 8:10 pm, anesthesia had to be called for a "stat" intubation because of Plaintiff's Decedent having suffered an arrest.

44. That at approximately 8:18 pm, a CBC was done which showed an elevated white blood count of 12.7, a reduced hemoglobin of 7.6, a reduced RBC of 2.47, and a low HTC of 23.6.

45. At approximately 8:54 pm, Plaintiff's Decedent's PTT was finally drawn, and

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- f. Loss of society and companionship of the decedent;
- g. Loss of Decedent's financial support;
- h. Any other damages allowed under the Michigan Wrongful Death Statute;
- I. Any and all damages discovered throughout the course of discovery.

COUNT I

MEDICAL MALPRACTICE, NEGLIGENCE, GROSS NEGLIGENCE, AND/OR WILLFUL AND WANTON MISCONDUCT OF ALL DEFENDANTS

54. Plaintiff realleges and affirms each and every allegation contained in paragraphs 1 through 53 as if fully set forth herein.

55. That at all times relevant hereto, Defendants and their/its agent physicians, physicians' assistants, nurses, and medical staff, were engaged in the practice of medicine in the County of Wayne, State of Michigan, and held themselves/itself out to the public in general, and Plaintiff's Decedent in particular, as skilled and competent medical doctors, physicians, physicians' assistants, nurses, and other medical personnel, capable of properly and skillfully treating, caring for, and providing medical services to the public in general, and to Plaintiff's Decedent in particular.

56. That at all times relevant hereto, Defendants, individually and/or through their/its agents, servants, and/or employees, breached their respective duties and obligations to Plaintiff's Decedent by acting in variance with the acceptable standard of medical practice in this community, and are professionally negligent, grossly negligent, and/or wanton and willful in the following particulars, which include, but are not limited to:

- a. Failing to order and/or arrange for "H&H" (hemoglobin and hematocrit) studies to be carried out at least every six to eight hours post operatively;
- b. Failing to take, order, and/or arrange for, the taking of vital signs after Decedent complained of significant complaints, including complaints of diaphoresis and dizziness;
- c. Failing to timely notify a physician, including patient's attending, Dr. Glazier, of the patient's low blood pressure readings on July 1, 2001, so that appropriate care and treatment could have been rendered;
- d. Failing to timely report the Decedent's PTT panic values to the appropriate medical staff so that the patient could be properly attended to;
- e. Failing to timely order a "stat" H & H study at 11:45 am on July 1, 2001, after it was known patient was diaphoretic, and had a PTT of 106;
- f. Failing to recognize and diagnose the Decedent's internal hemorrhage, the first clinical signs of which occurred at 11:45 am when the patient was noted to be diaphoretic after moving around, a PTT of 106, as well as the physical findings and complaints noted thereafter;
- g. Failing to order a "stat" CBC after the Decedent presented with signs and symptoms consistent with a suspected hemorrhage, which would have revealed a drop in the Decedent's hemoglobin and hematocrit, which would have prompted treatment including discontinuation of the patient's Heparin and the administration of blood products which would have prevented Decedent from suffering from a fatal bleed;
- h. Failing to recognize and diagnose the Decedent's internal hemorrhage when his systolic blood pressure was decreased and when having symptoms of light headedness at 1:40 pm, which would have warranted a "stat" CBC, which would have revealed a drop in the hemoglobin and hematocrit, which would have prompted treatment including discontinuation of the Heparin and the administration of appropriate blood products, such that the patient would not have suffered from a fatal bleed;
- i. Failing to carry out and/or ensure the carrying out of the 4:00 pm coagulation studies as requested by the Pharmacy Anticoagulation

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Service, which would have noted an increasing PTT, which would have prompted the discontinuation of the Heparin, and most likely would have warranted the administration of the Heparin antidote Protamine which would have stopped the patient's fatal bleeding.

- j. Failing to inquire from the appropriate services the results of the July 1, 2001 4:00 pm coagulation studies, including the PTT, which were requested to be conveyed to pharmacy "STAT";
- k. Timely notify the Laboratory and/or Pharmacy Anticoagulation Service that the July 1, 2001, 4:00 p.m. draw for the coagulation studies, specifically the PTT, was not carried out as requested/ordered by Pharmacy Anticoagulation Service so that arrangements could be made to still perform the draw/studies;
- l. Failing to recognize and diagnose the Decedent's internal hemorrhage when he had persistent complaints of episodes of dizziness and reduction in blood pressure throughout the day and evening of July 1, 2001, which would have warranted a "stat" CBC, which would have revealed and required those items as mentioned above.
- m. Failing to order a "stat" CBC and /or H & H at 6:50 pm on July 1, 2001, after it was known the Decedent's blood pressure was consistently low, which would have revealed a significantly low hemoglobin, which would have prompted the discontinuation of Heparin, the administration of the Heparin antidote Protamine, and the administration of appropriate blood transfusions / products, all of which would have prevented Decedent's fatal bleeding.
- n. Ordering and/or administering anticoagulant agents in excessive doses which caused Decedent to suffer his fatal bleed;
- o. Starting Decedent's anticoagulation therapy too soon after surgery;
- p. Failing to timely respond to the Decedent's respiratory emergency.
- q. Any other breaches revealed over the course of discovery.

57. That as a direct and proximate result of the negligence, gross negligence, wanton and/or willful misconduct and unskilled acts and omissions of the Defendants,

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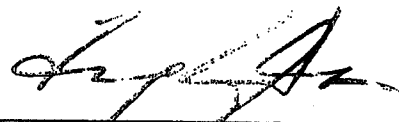
Plaintiff, Plaintiff's Decedent, and heirs of the Estate of Plaintiff's Decedent, suffered the significant and numerous damages as outlined and described above.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in favor of Plaintiff and against Defendants, jointly and severally, in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, plus costs, interest, and attorneys fees.

Respectfully submitted,

FIEGER, FIEGER, KENNEY & JOHNSON, P.C.

By: _____



GEOFFREY N. FIEGER (P30441)

TODD J. WEGLARZ (P48035)

Attorneys for Plaintiff

19390 West Ten Mile Road

Southfield, Michigan 48075

(248) 355-5555

Dated: December 12, 2003

E:03-324303-NH

CASE INQUIRY

3-APR-2007 15:45

STATUS: FINAL

1	LEWIS CLARK BARBARA A PER	PL	FINAL	
	ATTY:WEGLARZ TODD JOSEPH			(248) 355/5555
2	CLARK HENRY O JR ESTATE O	PL	FINAL	
	ATTY:WEGLARZ TODD JOSEPH			(248) 355/5555
3	HARPER HUTZEL HOSPITAL	DF	FINAL	
	ATTY:CHAKLOS WILLIAM D.			(313) 965/7925
4	DETROIT MEDICAL CENTER	DF	FINAL	
	ATTY:CHAKLOS WILLIAM D.			(313) 965/7925
5	BARNWELL JOHN MD	DF	FINAL	
	ATTY:ROTH ROBERT P.			(248) 647/4242
6	PIPER J RN	DF	FINAL	
	ATTY:CHAKLOS WILLIAM D.			(313) 965/7925
7	NEINO J RN	DF	FINAL	
	ATTY:CHAKLOS WILLIAM D.			(313) 965/7925
8	NANSI ROWE ASSOC PC	CL	PEND	
	ATTY:ROWE NANSI IRENE			(313) 861/5733
9	GLAZIER JAMES J	DF	PEND	
	ATTY:SCHWARTZ MELVIN R.			(248) 352/2555

7/24/03	1 MEDICAL MALPRACTICE		STAL 72403
	ASSG CRT:W. BAXTER 1719 CAYMC 22		
	TITLE:LEWIS CLARK BARBARA A PER REP V HARPER HUTZEL HOS		
7/24/03	2 STATUS CONFERENCE SCHEDULED		STAL 72403
	NEXT ACT:STATUS CONFERENCE	10/24/03	LOC: BAXTE
7/24/03	3 SERVICE REVIEW SCHEDULED		STAL 72403
	NEXT ACT:SERVICE REVIEW	10/23/03	LOC: BAXTE
7/24/03	4 CASE FILING FEE - PAID	ATTY:FIEGER GEOFFRSTAL	72403
	AMT: 100.00		
7/24/03	5 JURY DEMAND FILED & FEE PAID	ATTY:FIEGER GEOFFRSTAL	72403
	AMT: 85.00		
7/24/03	6 AFFIDAVIT - FILED		WADE 72403
	REMARKS:	FILING	
7/28/03	7 NOTICE OF FILING - FILED		GLOV 72903
	REMARKS:	AFDIV	
8/20/03	8 APPEARANCE OF ATTORNEY FILED	BY:CHAKLOS WILLIWRIG	82203
	PTY: 06		
8/20/03	9 APPEARANCE OF ATTORNEY FILED		WRIG 82203
	PTY: 07		
8/28/03	10 SERVICE OF COMPLAINT FILED		ALLE 82903
	PTY: 04		
	NEXT ACT:ANSWER REVIEW	9/18/03	LOC: BAXTE
8/28/03	11 SERVICE OF COMPLAINT FILED		ALLE 82903
	PTY: 03		
8/28/03	12 SERVICE OF COMPLAINT FILED		ALLE 82903
	PTY: 05		
8/28/03	13 NOTICE OF APPEARANCE - FILED		GLOV 82903
8/28/03	14 AFDAVT MAILING/SERVICE - FILED		GLOV 82903
8/28/03	15 APPEARANCE OF ATTORNEY FILED	BY:CHAKLOS WILLIGLOV	82903
	PTY: 04		
8/28/03	16 APPEARANCE OF ATTORNEY FILED	BY:CHAKLOS WILLIGLOV	82903
	PTY: 03		
9/02/03	17 PROOF OF SERVICE - FILED		JOHN 90303
9/02/03	18 APPEARANCE OF ATTORNEY FILED	BY:ROTH ROBERT PWRIG	90303
	PTY: 03		
9/10/03	19 AFFIDAVIT - FILED		ALLE 91103
	REMARKS:	MERITORIOUS DEFENSE	
9/10/03	20 PROOF OF SERVICE - FILED		ALLE 91103

12/3/03	21	SERVICE OF COMPLAINT FILED PTY: 06	BY:CHAKLOS WILLIALLE 92403
9/23/03	22	SERVICE OF COMPLAINT FILED PTY: 07	ALLE 92403
9/30/03	23	AFFIDAVIT - FILED REMARKS:	PHIL100203 OF MERITORIOUS DEFENSE
9/30/03	24	AFDAVT MAILING/SERVICE - FILED	PHIL100203
10/09/03	25	ANSWER TO COMPLAINT FILED PTY: 05	BY:ROTH ROBERT PALLE101003
10/09/03	26	AFFIRMATIVE DEFENSES - FILED	ALLE101003
10/09/03	27	RELIANCE ON JURY DEMAND -FILED	ALLE101003
10/09/03	28	PROOF OF SERVICE - FILED	ALLE101003
10/10/03	29	AFFIDAVIT - FILED REMARKS:	WRIG101403 MERITORIOUS DEFENSE
10/10/03	30	AFDAVT MAILING/SERVICE - FILED	WRIG101403
10/20/03	31	AT ISSUE PRAECIPE FILED PTY: 01	BY:WEGLARZ TODD SKIL102003
10/24/03	32	STATUS CONFERENCE RESLT:CASE SCHEDULED FOR EVALUATION NEXT ACT:CASE EVALUATION	OPER 73004 REASN:TRACK 2 SELECT 1/01/05 ----- LOC: MTA FOWL102403
10/24/03	33	STATUS CONFERENCE RESLT:CASE SCHEDULED NEXT ACT:SETTLEMENT CONFERENCE-IC	8/30/04 ----- LOC: BAXTE JUDG:BAXTER WENDY SHAK102403
10/24/03	34	STATUS CONFERENCE RESLT:STATUS CONF HELD - SCSO S/F REPORTER:06619 CARRINGTON TERIA CLRK:SHAKOOR H L REMARKS:TRACK2 W/L 3/31/04 DISCV 6/2/04,CASE EVAL 7/04	
11/13/03	35	MOTN COMPEL ANSWR INTERROGATOR AMT: 20.00 REMARKS:FEE PAID	BY:ROTH ROBERT PWRIG111403 BRF/F PRF/F NOTE/HRG
11/19/03	36	AFDAVT MAILING/SERVICE - FILED	WRIG112003
11/24/03	37	ANS TO AFRMATV DEFENSE - FILED	PHIL112503
11/24/03	38	PROOF OF SERVICE - FILED	PHIL112503
11/24/03	39	INTERROGATORIES - FILED	PHIL112503
11/24/03	40	REQUEST FOR PRODUCTION OF DOC	PHIL112503
11/24/03	41	PROOF OF SERVICE - FILED	PHIL112503
11/24/03	42	INTERROGATORIES - FILED	PHIL112503
11/24/03	43	REQUEST TO PRODUCE - FILED	PHIL112503
11/24/03	44	PROOF OF SERVICE - FILED	PHIL112503
11/24/03	45	ANS TO AFRMATV DEFENSE - FILED	PHIL112503
11/24/03	46	PROOF OF SERVICE - FILED	PHIL112503
11/24/03	47	NOTICE TAKING DEPOSITN - FILED	PHIL112503
11/24/03	48	PROOF OF SERVICE - FILED	PHIL112503
11/24/03	49	INTERROGATORIES - FILED REMARKS:	PHIL112503 PL INSURANCE
11/24/03	50	PROOF OF SERVICE - FILED	PHIL112503
11/24/03	51	INTERROGATORIES - FILED REMARKS:	ALLE112503 DF
11/24/03	52	PROOF OF SERVICE - FILED	ALLE112503
11/24/03	53	REQUEST TO PRODUCE - FILED	ALLE112503
11/24/03	54	PROOF OF SERVICE - FILED	ALLE112503
11/26/03	55	MOTION FILED RESLT:MOTION HEARING SCHEDULED NEXT ACT:MISCELLANEOUS MOTION HEAR 1/09/04 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L REMARKS:DEF'S MOTON TO COMPEL PLNT'S ANSWERS ETAL	JUDG:BAXTER WENDY WILS112603 ----- LOC: BAXTE
12/08/03	56	MOTION FILED RESLT:MOTION HEARING SCHEDULED NEXT ACT:MISCELLANEOUS MOTION HEAR 1/09/04 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L	JUDG:BAXTER WENDY WILS120803 ----- LOC: BAXTE

REMARKS:DEF'S MOTON TO PLNT'S ANSWERS TO FIRST SET OF ETAL
 12/03 57 MOTION FILED JUDG:BAXTER WENDY WILS121203
 RESLT:MOTION HEARING SCHEDULED
 NEXT ACT:MISCELLANEOUS MOTION HEAR 1/09/04 ----- LOC: BAXTE
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:PLNT'S MOTON FOR LEAVE TO FILE FIRST AMENDED ETAL
 12/12/03 58 MOTION TO GRANT LEAVE BY:FIEGER GEOFFRWRIG121503
 AMT: 20.00
 REMARKS:FEE PAID BRF/F PRF/F NOTE/HRG
 12/16/03 59 NOTICE OF FILING - FILED GARN121703
 12/16/03 60 PROOF OF SERVICE - FILED GARN121703
 12/19/03 62 PROOF OF SERVICE - FILED ALLE122303
 12/19/03 63 MOTN COMPEL ANSWR INTERROGATOR BY:CHAKLOS WILLISTRO122303
 AMT: 20.00
 REMARKS:FEE PAID BRF/F PRF/F NOTE/HRG
 12/22/03 61 MOTION FILED JUDG:BAXTER WENDY WILS122203
 RESLT:MOTION HEARING SCHEDULED
 NEXT ACT:MISCELLANEOUS MOTION HEAR 1/09/04 ----- LOC: BAXTE
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:DEF'S MOTON TO COMPEL PLNT'S ANSWERS TO INTERROGAT
 1/08/04 64 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS 10804
 RESLT:MOTION AND/OR PRAECIPE DSM'D
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:DEFD'S MOTON TO COMPEL PLNT'S ANSWERES TO INTERR
 1/08/04 65 ANS TO INTERROGATORIES - FILED ALLE 10804
 1/08/04 66 PROOF OF SERVICE - FILED ALLE 10804
 1/09/04 67 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS 10904
 RESLT:ADJOURNED
 NEXT ACT:MISCELLANEOUS MOTION HEAR 1/23/04 ----- LOC: BAXTE
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:PLNT'S MOTON FOR LEAVE TO FILE AMENDED CMOMPLAINT
 1/12/04 68 STIPULATION JUDG:BAXTER WENDY WILS 11304
 RESLT:ORDER COMPELLING ACTION,S/F
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:COMPELLING PLNTS ANSWERS TO DEFDS INTERROGATORIES
 1/14/04 69 WITNESS LIST - FILED ALLE 11504
 REMARKS: PL
 1/14/04 70 PROOF OF SERVICE - FILED ALLE 11504
 1/21/04 71 MOTION FOR COSTS BY:ROTH ROBERT PWRIG 12204
 AMT: 20.00
 REMARKS:FEE PAID BRF/F PRF/F NOTE/HRG
 1/21/04 72 ANS TO MOTION - FILED ALLE 12204
 REMARKS: FEE COSTS
 1/21/04 73 PROOF OF SERVICE - FILED ALLE 12204
 1/22/04 74 MOTN COMPEL ANSWR INTERROGATOR BY:ROTH ROBERT PWRIG 12304
 AMT: 20.00
 REMARKS:FEE PAID BRF/F PRF/F NOTE/HRG
 1/22/04 75 ANS TO MOTION - FILED STRO 12304
 1/22/04 76 AFDAVT MAILING/SERVICE - FILED STRO 12304
 1/22/04 77 AFDAVT MAILING/SERVICE - FILED STRO 12304
 1/22/04 78 PROOF OF SERVICE - FILED STRO 12304
 1/22/04 79 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS 12304
 RESLT:ADJOURNED
 NEXT ACT:MISCELLANEOUS MOTION HEAR 2/06/04 ----- LOC: BAXTE
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:PLNT'S MOTON FOR LEAVE FIRST AMENDED COMPLAINT
 1/26/04 80 ANS TO INTERROGATORIES - FILED STRO 12704
 1/26/04 81 PROOF OF SERVICE - FILED STRO 12704
 1/27/04 82 MOTION FILED JUDG:BAXTER WENDY WILS 12804
 RESLT:MOTION HEARING SCHEDULED

NEXT ACT:MISCELLANEOUS MOTION HEAR 2/06/04 ----- LOC: BAXTE

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:DEF'S MOTON TO COMPEL MORE SPECIFIC ANSWERS ETAL

1/27/04	83	NOTICE TAKING DEPOSITN - FILED	ALLE 12804
1/27/04	84	PROOF OF SERVICE - FILED	ALLE 12804
2/02/04	85	INTERROGATORIES - FILED	ALLE 20304
2/02/04	86	REQUEST FOR PRODUCTION OF DOC	ALLE 20304
2/02/04	87	PROOF OF SERVICE - FILED	ALLE 20304
2/03/04	88	NOTICE OF HEARING - FILED	STRO 20404

REMARKS:

RENOTICE

2/03/04	89	PROOF OF SERVICE - FILED	STRO 20404
2/04/04	90	ANS TO MOTION - FILED	STRO 20504
2/04/04	91	PROOF OF SERVICE - FILED	STRO 20504
2/06/04	92	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 20604

RESLT:MOT MISCELLANEOUS ACTION,OTF

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:GRANTED, PLNT'S MOTON FOR LEAVE TO FILKE ETAL

2/06/04	93	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 20604
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RESLT:MOT MISCELLANEOUS ACTION,OTF

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:GRANTED,DEF'S MOTON TO COMPEL MORE SPECIFIC ETAL

2/06/04	94	MOTION FOR DISCOVERY	BY:FIEGER GEOFFRWIRG 20904
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AMT: 20.00

REMARKS:FEE PAID

BRF/F PRF/F NOTE/HRG

2/09/04	95	MOTION FILED	JUDG:BAXTER WENDY HICK 20904
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RESLT:MOTION HEARING SCHEDULED

NEXT ACT:MISCELLANEOUS MOTION HEAR 2/20/04 ----- LOC: BAXTE

REPORTER:06619 CARRINGTON TERIA CLRK:HICKMAN TARA

REMARKS:PL;TO COMPEL

2/09/04	96	RECEIVED 7 DAY ORDER FOR ENTRY	BY:FIEGER GEOFFRHICK 20904
		PTY: 01	

REMARKS:NOTICE,PROOF,O PERMITTING PL LEAVE TO FILE AMD ETC

2/13/04	97	RECEIVED 7 DAY ORDER FOR ENTRY	BY:ROTH ROBERT PWILS 21304
		PTY: 02	

REMARKS:ORDER GRANTING DEF, JOHN BARNWELL, M.D.'S ETAL

2/17/04	171	MISC JUDICIAL HEARING/ACTIVITY	JUDG:BAXTER WENDY WILS 71404
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RESLT:ORDER OF CONSLIDATION,S/F

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:#03-340704

2/17/04	175	MISC JUDICIAL HEARING/ACTIVITY	JUDG:BAXTER WENDY WILS 81204
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RESLT:ORDER OF CONSLIDATION,S/F

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:#03-340704 NH

2/18/04	98	MISC JUDICIAL HEARING/ACTIVITY	JUDG:BAXTER WENDY WILS 21804
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RESLT:ODR MISCELLANEOUS ACTION,S/F

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:ORDER PERMITTING PLNT LEAVE TO FILE ETAL,7DO NOOBJ

2/20/04	99	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 22004
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RESLT:ADJOURNED

NEXT ACT:MISCELLANEOUS MOTION HEAR 2/27/04 ----- LOC: BAXTE

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:PLNT'S MOTON TO COMPLE ANSWER/ RESPONSE TO ETAL

2/20/04	100	STIPULATION	JUDG:BAXTER WENDY WILS 22304
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RESLT:ODR MISCELLANEOUS ACTION,S/F

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:ORDER COMPELLING DEFD'S RESPONSES TO DISCOVERY

2/20/04	101	PROOF OF SERVICE - FILED	WRIG 22304
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2/23/04	102	MISC JUDICIAL HEARING/ACTIVITY	JUDG:BAXTER WENDY WILS 22404
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RESLT:ODR MISCELLANEOUS ACTION,S/F

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:ORDER GRANTING DEFD, JOHN BARNWELL M.D.S ETAL

2/23/04 103 ANS TO INTERROGATORIES - FILED WRIG 22404

2/23/04 104 PROOF OF SERVICE - FILED WRIG 22404

2/26/04 105 PROOF OF SERVICE - FILED ALLE 22704

2/27/04 106 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS 22704

RESLT:MOTION AND/OR PRAECIPE DSM'D

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:PLNT'S MOTON TO COMPEL DISCOVERY

3/02/04 107 PROOF OF SERVICE - FILED ALLE 30304

3/05/04 108 REPLY TO AFRMTV DEFENS - FILED STRO 30804

3/05/04 109 PROOF OF SERVICE - FILED STRO 30804

3/08/04 110 AFFIDAVIT - FILED ALLE 30904

REMARKS: MERITORIOUS DEFENSE

3/08/04 111 AFDAVT MAILING/SERVICE - FILED ALLE 30904

3/09/04 112 APPEARANCE OF ATTORNEY FILED BY:CHAKLOS WILLIALLE 31004

PTY: 03

3/09/04 113 AFDAVT MAILING/SERVICE - FILED ALLE 31004

3/11/04 114 PROOF OF SERVICE - FILED WRIG 31204

3/15/04 115 AFDAVT MAILING/SERVICE - FILED STRO 31604

3/15/04 116 AFFIRMATIVE DEFENSES - FILED STRO 31604

3/22/04 117 AFDAVT MAILING/SERVICE - FILED STRO 32304

3/29/04 118 ANS TO AFRMATV DEFENSE - FILED WRIG 33004

3/29/04 119 PROOF OF SERVICE - FILED WRIG 33004

4/01/04 120 WITNESS LIST - FILED WRIG 40204

4/01/04 121 PROOF OF SERVICE - FILED WRIG 40204

4/08/04 122 ANSWER TO COMPLAINT FILED BY:ROTH ROBERT PALLE 40804

PTY: 05

4/08/04 123 AFFIRMATIVE DEFENSES - FILED ALLE 40804

4/08/04 124 RELIANCE ON JURY DEMAND -FILED ALLE 40804

4/08/04 125 PROOF OF SERVICE - FILED ALLE 40804

4/13/04 126 MOTION TO AMEND BY:ROTH ROBERT PSMTIT 41404

AMT: 20.00

REMARKS:FEE PAID BRF/F PRF/F NOTE/HRG ORDER

4/15/04 127 MOTION FILED JUDG:BAXTER WENDY WILS 41504

RESLT:MOTION HEARING SCHEDULED

NEXT ACT:MISCELLANEOUS MOTION HEAR 5/07/04 ----- LOC: BAXTE

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:DEF'S MOTON TO ADJ AMEND SCHEDULING ORDER DATES

4/19/04 128 CONCURRENCE TO MOTION ALLE 41904

4/19/04 129 AFDAVT MAILING/SERVICE - FILED ALLE 41904

5/04/04 130 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS 50404

RESLT:ADJOURNED

NEXT ACT:MISCELLANEOUS MOTION HEAR 5/21/04 ----- LOC: BAXTE

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:MOTONTO ADJ SCHD ORDER

5/06/04 131 NOTICE OF FILING - FILED MOOR 50704

REMARKS: RE-NOTICE

5/06/04 132 PROOF OF SERVICE - FILED MOOR 50704

5/12/04 133 AFFIDAVIT - FILED MOOR 51304

5/14/04 134 MISCELLANEOUS PARTY UPDATE BY:CHAKLOS WILLIWELL 51404

PTY: 07

5/20/04 135 MOTN COMPEL ANSWR INTERROGATOR BY:ROTH ROBERT PALLE 52104

AMT: 20.00

REMARKS:FEE PAID BRF/F PRF/F NOTE/HRG

5/21/04 136 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS 52104

RESLT:MOTION HEARING SCHEDULED

NEXT ACT:MISCELLANEOUS MOTION HEAR 6/11/04 ----- LOC: BAXTE

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:DEF'S MOTON TO COMPEL PLNT'S ANSWERS TO EXPERT ETA

5/24/04 137 NOTICE OF HEARING - FILED ALLE 52404

REMARKS:		RE NOTICE	
5/24/04	138 PROOF OF SERVICE - FILED		ALLE 52404
6/03/04	139 NOTICE OF HEARING - FILED		WRIG 60404
REMARKS:		SECOND RENOTICE	
6/03/04	140 PROOF OF SERVICE - FILED		WRIG 60404
6/10/04	143 ANS TO MOTION - FILED		ALLE 61104
REMARKS:		MOTON COMPEL	
6/10/04	144 PROOF OF SERVICE - FILED		ALLE 61104
6/11/04	141 MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS	61104
RESLT:MOTION AND/OR PRAECIPE DSM'D			
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L			
REMARKS:DEF';S MOTON TO AMEND SCHD ORDER DATE			
6/11/04	142 MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS	61104
RESLT:MOTION AND/OR PRAECIPE DSM'D			
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L			
REMARKS:DEF'S MOTON TO COMPEL POLNT'S ANSWERS TO EXP ETAL			
6/15/04	145 ANS TO INTERROGATORIES - FILED		ALLE 61604
6/15/04	146 PROOF OF SERVICE - FILED		ALLE 61604
6/16/04	147 MOTN FOR SUMMARY JDGMT/DISPOS	BY:ROTH ROBERT PSMIT	61804
AMT: 20.00			
REMARKS:FEE PAID		BRF/F PRF/F NOTE/HRG DISPOSITION	
6/18/04	148 RESPONSE -FILED		WRIG 62104
6/18/04	149 PROOF OF SERVICE - FILED		WRIG 62104
6/21/04	150 RECEIVED 7 DAY ORDER FOR ENTRY	BY:ROTH ROBERT PBUFF	62104
PTY: 01			
REMARKS:RE:JOHN BARNWELL'S TO COMPEL ANSWERS ENVL.INCL.			
6/22/04	151 ANS TO INTERROGATORIES - FILED		WRIG 62304
6/22/04	152 PROOF OF SERVICE - FILED		WRIG 62304
6/22/04	153 ANS TO REQUEST - FILED		WRIG 62304
6/22/04	154 PROOF OF SERVICE - FILED		WRIG 62304
6/22/04	155 ANS TO MOTION - FILED		WRIG 62304
REMARKS:		COMPEL INTERROGATORIES	
6/22/04	156 PROOF OF SERVICE - FILED		WRIG 62304
6/22/04	157 RESPONSE -FILED		WRIG 62304
REMARKS:		SECOND REQUEST	
6/22/04	158 PROOF OF SERVICE - FILED		WRIG 62304
6/22/04	159 RESPONSE -FILED		MOOR 62304
6/22/04	160 REQUEST TO PRODUCE - FILED		MOOR 62304
6/29/04	161 MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS	62904
RESLT:MOTION HEARING SCHEDULED			
NEXT ACT:MISCELLANEOUS MOTION HEAR 8/24/04 ----- LOC: BAXTE			
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L			
REMARKS:DEF'S MOTON FOR S/D			
6/29/04	162 MISC JUDICIAL HEARING/ACTIVITY	JUDG:BAXTER WENDY WILS	62904
RESLT:ODR MISCELLANEOUS ACTION,S/F			
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L			
REMARKS:ORDER TO COMPEL PLNT'S ANSWERS ETAL, 7DO, NOBJ			
7/06/04	163 NOTICE TAKING DEPOSITN - FILED		STRO 70704
REMARKS:		CHARDRA	
7/06/04	164 PROOF OF SERVICE - FILED		STRO 70704
7/06/04	165 NOTICE TAKING DEPOSITN - FILED		STRO 70704
REMARKS:		KALLENGE	
7/06/04	166 PROOF OF SERVICE - FILED		STRO 70704
7/06/04	167 PROOF OF SERVICE - FILED		WRIG 70704
7/06/04	168 WITNESS LIST - FILED		STRO 70704
REMARKS:SUPPLEMENTAL		DF	
7/06/04	169 PROOF OF SERVICE - FILED		STRO 70704
7/07/04	170 PROOF OF SERVICE - FILED		STRO 70804
7/19/04	172 NOTICE TAKING DEPOSITN - FILED		ALLE 72004
7/19/04	173 PROOF OF SERVICE - FILED		ALLE 72004

8/11/04 174 SETTLEMENT CONFERENCE-IC JUDG:BAXTER WENDY WILS 81104
 RESLT:ADJOURNED
 NEXT ACT:SETTLEMENT CONFERENCE-IC 2/14/05 ----- LOC: BAXTE
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:PER CT

8/16/04 176 NOTICE TAKING DEPOSITN - FILED WRIG 81704
 REMARKS: RENOTICE

8/16/04 177 PROOF OF SERVICE - FILED WRIG 81704
 8/17/04 178 ANS TO MOTION - FILED WRIG 81804
 REMARKS: SUMMARY DISPOSITION

8/17/04 179 BRIEF IN SUPPORT OF MOTION WRIG 81804
 8/17/04 180 PROOF OF SERVICE - FILED WRIG 81804
 8/20/04 181 RECEIVED 7 DAY ORDER FOR ENTRY BY:FIEGER GEOFFRWILS 82004
 PTY: 01

REMARKS:ORDER GRANTING DEF'S MOTON TO AMEND SCHD ORDER

8/24/04 182 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS 82404
 RESLT:MOT MISCELLANEOUS ACTION,OTF
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:DENIED, DEF'S MOTON FOR S/D

8/26/04 183 RECEIVED 7 DAY ORDER FOR ENTRY BY:FIEGER GEOFFRWILS 82604
 PTY: 01

REMARKS:ORDER DENYING DEFD BARNWELL'S MOTON FOR S/D

8/30/04 184 MISC JUDICIAL HEARING/ACTIVITY JUDG:BAXTER WENDY WILS 83104
 RESLT:ODR MISCELLANEOUS ACTION,S/F
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:ORDER GRANTING DEF'S MOTON TO AMEND ETAL,7DO

9/01/04 185 MOTN FOR MISCELLANEOUS MOTION BY:ROTH ROBERT PSMIT 90204
 AMT: 20.00

REMARKS:FEE PAID BRF/F

9/03/04 186 AFDAVT MAILING/SERVICE - FILED STRO 90704
 9/09/04 187 NOTICE TAKING DEPOSITN - FILED WRIG 91004
 9/09/04 188 PROOF OF SERVICE - FILED WRIG 91004
 9/13/04 189 MOTION FILED JUDG:BAXTER WENDY WILS 91304
 RESLT:MOTION HEARING SCHEDULED
 NEXT ACT:MISCELLANEOUS MOTION HEAR10/01/04 ----- LOC: BAXTE
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:DEF'S MOTON TO COMPEL PLNT TO ANSWER DEF'S ETAL

9/13/04 190 MISC JUDICIAL HEARING/ACTIVITY JUDG:BAXTER WENDY WILS 91404
 RESLT:ODR MISCELLANEOUS ACTION,S/F
 REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
 REMARKS:ORDER DENYING DEFD BARNWELL'S MOTON FOR S/D,7DO

9/17/04 191 WITNESS LIST - FILED STRO 92004
 REMARKS: DF

9/17/04 192 AFDAVT MAILING/SERVICE - FILED STRO 92004
 9/20/04 193 NOTICE TAKING DEPOSITN - FILED BYNU 92104
 REMARKS: RE-NOTICE

9/20/04 194 PROOF OF SERVICE - FILED BYNU 92104
 9/29/04 195 INTERROGATORIES - FILED STRO 93004
 9/29/04 196 REQUEST TO PRODUCE - FILED STRO 93004
 9/29/04 197 REQUEST FOR ADMISSIONS - FILED STRO 93004
 9/29/04 198 PROOF OF SERVICE - FILED STRO 93004
 9/30/04 199 ANS TO MOTION - FILED STRO100104
 9/30/04 200 PROOF OF SERVICE - FILED STRO100104
 10/01/04 201 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY WILS100104
 RESLT:MOT MISCELLANEOUS ACTION,OTF
 REPORTER:07428 KAREN HESSLER CLRK:WILSON GEORGE L
 REMARKS:GRANTED, DEF'S MOTON TO COMPEL PLNT'S TO ETAL

10/07/04 202 RECEIVED 7 DAY ORDER FOR ENTRY BY:ROTH ROBERT PWILS100704
 PTY: 02

REMARKS:ORDER RE: DEFD JOHN BARNWELL, MDS' MOTON TO ETAL

08/04 203 NOTICE OF HEARING - FILED MOOR101204
REMARKS: RE-NOTICE DUCES TECUM

10/08/04 204 PROOF OF SERVICE - FILED MOOR101204

10/12/04 208 OBJECTION TO 7-DAY ORDER-FILED BY:WEGLARZ TODD WILS102104
PTY: 01
REMARKS:OBJ TO 7DAT ORDER

10/14/04 205 STIPULATION JUDG:BAXTER WENDY HICK101504
RESLT:ORDER EXTENDING TIME, S/F
REPORTER:06619 CARRINGTON TERIA CLRK:HICKMAN TARA
REMARKS:SCHED DATES*W/L 12-15-04*D/C UNTIL C/E2-05

10/14/04 206 STIPULATION JUDG:BAXTER WENDY HICK101504
RESLT:ORDER COMPELLING ACTION,S/F
REPORTER:06619 CARRINGTON TERIA CLRK:HICKMAN TARA
REMARKS:CONT'D*PL TO RESP EXPERT INTERRPG'S*10-29-04*7DO

10/21/04 207 DELETED EVENT BY:ROTH ROBERT PWILS102104
PTY: 02
REMARKS:ORDER RE: DEFD, JOHN BARNWELL ETAL

10/26/04 209 ANS TO INTERROGATORIES - FILED ALLE102704

10/26/04 210 AFDAVT MAILING/SERVICE - FILED ALLE102704

11/19/04 211 MISC JUDICIAL HEARING/ACTIVITY JUDG:BAXTER WENDY WILS112204
RESLT:ODR MISCELLANEOUS ACTION,S/F
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
REMARKS:ORDE PARTIALLY GRANTING DEFD BARNWELL'S MOTON ETAL

11/19/04 212 MISC JUDICIAL HEARING/ACTIVITY JUDG:BAXTER WENDY WILS112204
RESLT:SET ASIDE,S/F
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
REMARKS:ORDER SETTING ASIDE ORDER ENTER 10/14/04

11/30/04 213 PROOF OF SERVICE - FILED BYNU120104

12/06/04 214 CASE EVALUATION OPER121004
RESLT:ADJOURNED
NEXT ACT:CASE EVALUATION 2/14/05 ----- LOC: MTA
REMARKS:JUDGE BAXTER ON 11/19/04 CONSOL W/340704

1/04/05 215 SETTLEMENT CONFERENCE-IC JUDG:BAXTER WENDY WILS 10505
RESLT:ADJOURNED
NEXT ACT:SETTLEMENT CONFERENCE-IC 3/30/05 ----- LOC: BAXTE
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
REMARKS:PER CT

1/11/05 217 MOTN COMPEL ANSWR INTERROGATOR BY:CHAKLOS WILLISMIT 11205
AMT: 20.00
REMARKS:FEE PAID AFF/F BRF/F NOTE/HRG

1/12/05 216 MOTION FILED JUDG:BAXTER WENDY WILS 11205
RESLT:MOTION HEARING SCHEDULED
NEXT ACT:MISCELLANEOUS MOTION HEAR 1/21/05 ----- LOC: BAXTE
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
REMARKS:DEF'S MOTON TO COMPEL PLNT'S ANSWERS TO INTERR ETA

1/21/05 218 MISCELLANEOUS MOTION HEARING JUDG:BAXTER WENDY HICK 12105
RESLT:ADJOURNED
NEXT ACT:MISCELLANEOUS MOTION HEAR 2/04/05 ----- LOC: BAXTE
REPORTER:06619 CARRINGTON TERIA CLRK:HICKMAN TARA
REMARKS:PER:M/P*DFS;TO COMPEL ANS TO INTERROG'S

1/21/05 219 MOTON TO COMPEL TAKING DEPOSIT BY:FIEGER GEOFFRSTRO 12405
AMT: 20.00
REMARKS:FEE PAID BRF/F PRF/F NOTE/HRG

1/24/05 220 MOTION FILED JUDG:BAXTER WENDY WILS 12405
RESLT:MOTION HEARING SCHEDULED
NEXT ACT:MISCELLANEOUS MOTION HEAR 2/11/05 ----- LOC: BAXTE
REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L
REMARKS:PLNT'S MOTON TO COMPEL DEPOSTIONS

1/28/05 222 MOTION TO ADJOURN BY:CHAKLOS WILLIDUNN 20105
AMT: 20.00

		REMARKS:FEE PAID AFF/F BRF/F	NOTE/HRG CASE EVALUATIO
1/31/05	221	MOTION FILED	JUDG:BAXTER WENDY WILS 13105
		RESLT:MOTION HEARING SCHEDULED	
		NEXT ACT:MISCELLANEOUS MOTION HEAR 2/04/05	----- LOC: BAXTE
		REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L	
		REMARKS:DEF'S MOTON TO ADJ C/E SIXTY DAYS	
2/02/05	223	CONCURRENCE TO MOTION.	MOOR 20305
2/02/05	224	PROOF OF SERVICE - FILED	MOOR 20305
2/03/05	225	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 20305
		RESLT:ADJOURNED	
		NEXT ACT:MISCELLANEOUS MOTION HEAR 2/11/05	----- LOC: BAXTE
		REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L	
		REMARKS:DEF'S MOTON TO COMPEL PLNT'S ANSWERS ETAL	
2/03/05	226	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 20305
		RESLT:ADJOURNED	
		NEXT ACT:MISCELLANEOUS MOTION HEAR 2/11/05	----- LOC: BAXTE
		REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L	
		REMARKS:DEF'S EMERGENCY MOTON TO ADJ C/E SIXTY DAYS	
2/03/05	227	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 20305
		RESLT:ADJOURNED	
		NEXT ACT:MISCELLANEOUS MOTION HEAR 2/11/05	----- LOC: BAXTE
		REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L	
		REMARKS:PLNT'S MOTON TO COMPEL DEPOSITIONS	
2/07/05	228	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 20705
		RESLT:MOT MISCELLANEOUS ACTION,OTF	
		REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L	
		REMARKS:DENIED, DEF'S MOTON TO ADJ C/E SIXTY DAYS	
2/10/05	229	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 21005
		RESLT:ADJOURNED	
		NEXT ACT:MISCELLANEOUS MOTION HEAR 2/25/05	----- LOC: BAXTE
		REPORTER:06472 JAQUETTA SMITH CLRK:WILSON GEORGE L	
		REMARKS:PLNT'S MOTON TO COMPEL DEPOSITIONS	
2/10/05	231	NOTICE OF HEARING - FILED	WRIG 21105
		REMARKS:	RENOTICE
2/10/05	232	PROOF OF SERVICE - FILED	WRIG 21105
2/11/05	230	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 21105
		RESLT:MOTION AND/OR PRAECIPE DSM'D	
		REPORTER:06472 JAQUETTA SMITH CLRK:WILSON GEORGE L	
		REMARKS:DEF'S MOTON TO COMPEL PLNT'S ANSWERS TO INTERGO ET	
2/11/05	233	STIPULATION	JUDG:BAXTER WENDY WILS 21105
		RESLT:ORDER OF DISMISSAL S/F	
		REPORTER:06472 JAQUETTA SMITH CLRK:WILSON GEORGE L	
		REMARKS:W/O PREJ AND W/O COSTS TO ANY PARTY	
2/11/05	234	DELETED EVENT	WILS 21405
		RESLT:ODR MISCELLANEOUS ACTION,S/F	
		CLRK:WILSON GEORGE L	
		REMARKS:ORDER ADJ C/E 04/05	
2/11/05	235	AFDAVT MAILING/SERVICE - FILED	HERR 21405
2/16/05	236	MISC JUDICIAL HEARING/ACTIVITY	JUDG:BAXTER WENDY WILS 21805
		RESLT:ORDER OF CONSLIDATION,S/F	
		REPORTER:06472 JAQUETTA SMITH CLRK:WILSON GEORGE L	
		REMARKS:WITH CASE #03-304704	
2/24/05	237	MOTION FILED	JUDG:BAXTER WENDY WILS 22405
		RESLT:MOTION HEARING SCHEDULED	
		NEXT ACT:MISCELLANEOUS MOTION HEAR 2/25/05	----- LOC: BAXTE
		REPORTER:06472 JAQUETTA SMITH CLRK:WILSON GEORGE L	
		REMARKS:PLNT'S MOTON TO COMPEL DEPOSITIONS	
2/25/05	238	MISCELLANEOUS MOTION HEARING	JUDG:BAXTER WENDY WILS 22505
		RESLT:MOTION AND/OR PRAECIPE DSM'D	
		REPORTER:06472 JAQUETTA SMITH CLRK:WILSON GEORGE L	

REMARKS:PLNT'S MOTON TO COMPEL DEPOSITIONS

3/09/05	239	ANS TO INTERROGATORIES - FILED	ALLE	31005
3/09/05	240	PROOF OF SERVICE - FILED	ALLE	31005
3/17/05	241	AFDAVT MAILING/SERVICE - FILED	ALLE	31805
3/17/05	242	AFDAVT MAILING/SERVICE - FILED	ALLE	31805
4/14/05	243	AFFIDAVIT - FILED	BYNU	41505
5/02/05	244	AFDAVT MAILING/SERVICE - FILED	HERR	50305
5/19/05	245	ANS TO REQUEST - FILED	WRIG	52005

REMARKS:

ADMISSIONS

5/19/05	246	AFDAVT MAILING/SERVICE - FILED	WRIG	52005
6/06/05	247	CONCURRENCE TO MOTION	ALLE	60705
6/06/05	248	AFDAVT MAILING/SERVICE - FILED	ALLE	60705
9/29/05	249	PROOF OF SERVICE - FILED	HERR	93005
11/15/05	250	CONCURRENCE TO MOTION	HERR	112105

REMARKS:

DF

11/15/05	251	AFDAVT MAILING/SERVICE - FILED	HERR	112105
11/15/05	252	AFFIDAVIT - FILED	HERR	112105

REMARKS:

SUPPORT CONCURRENCE

12/16/05	253	STIPULATION	JUDG:BAXTER WENDY WILS	121905
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RESLT:ODR MISCELLANEOUS ACTION,S/F

REPORTER:06619 CARRINGTON TERIA CLRK:WILSON GEORGE L

REMARKS:ORDER GRANTING PLNT COIUNSEL'S MOTON FOR COURT ETA

3/16/06	254	ANS TO MOTION - FILED	HOWA	31706
3/16/06	255	RESPONSE -FILED	HOWA	31706

REMARKS:

IN OPPOSITION

3/16/06	256	AFFIDAVIT - FILED	HOWA	31706
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REMARKS:

ANNE L RANDALL

3/16/06	257	PROOF OF SERVICE - FILED	HOWA	31706
3/16/06	258	AFDAVT MAILING/SERVICE - FILED	HOWA	31706
2/12/07	259	APPEARANCE OF ATTORNEY FILED	BY:WEGLARZ TODD ALLE	21307

PTY: 02

2/12/07	260	PROOF OF SERVICE - FILED	ALLE	21307
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3/15/07	261	APPEARANCE OF ATTORNEY FILED	BY:ROTH ROBERT PALLE	31607
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PTY: 05

3/15/07	262	PROOF OF SERVICE - FILED	ALLE	31607
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DOCKET/CASE LISTING COMPLETE, THANK YOU RECORD

EXHIBIT B52

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

BARBARA A. LEWIS-CLARK, Individually,
and as Personal Representative of the Estate
of HENRY O. CLARK, JR., Deceased

Plaintiff,

-v-

HARPER HOSPITAL, an assumed name of
HARPER-HUTZEL HOSPITAL, a Michigan corporation,
and THE DETROIT MEDICAL CENTER, a Michigan
corporation, JOHN BARNWELL, M.D., J. PIPER, R.N.,
and J. NEINO, R.N., Jointly and Severally,

BARBARA A. LEWIS-CLARK, Individually,
and as Personal Representative of the Estate
of HENRY O. CLARK, JR., Deceased

-v-

JAMES GLAZIER, M.D. and
VIRGINIA TEKEILI, R.Ph.,
Jointly and Severally,

Defendants.

GEOFFREY N. FIEGER (P30441)
TODD J. WEGLARZ (P48035)
Fieger, Fieger, Kenney & Johnson, P.C.
Attorney for Plaintiff
19390 West Ten Mile Road
Southfield, Michigan 48075-2463
(248) 355-5555

ROBERT P. ROTH (P27238)
Portnoy & Roth, P.C.
Attorney for Defendant Dr. Barnwell
3883 Telegraph Rd Ste 103
Bloomfield Hills, MI 48302-1432
(248) 647-4242

03-324303 NH 7/24/2003
JDG:WENDY M BAXTER
LEWIS CLARK BARBARA A PER REP
vs
HARPER HUTZEL HOSPITAL

Case No: 03-340704
Hon: Wendy Baxter

WILLIAM CHAKLOS (P33180)
Kitch, Drutchas, Wagner, DeNardis
& Valitutti
Attorney for Defendants Harper, DMC,
Piper, Neino, and Tekeili
1 Woodward Ave, FL 10
Detroit, MI 48226-3430
(313) 965-7925

KARL E. HANNUM (P37652)
Schwartz, Jalkanen & Hannum, PC
Attorney for Defendant Glazier
24445 Northwestern Hwy, Ste 200
Southfield, MI 48075-2463
(248) 352-2555

**STIPULATED ORDER DISMISSING CASE NO. 03-324303-NH, MERGING
PLAINTIFF'S ALLEGATIONS AND CLAIMS IN CASE NO. 03-324303-NH WITH
CASE NO. 03-340704-NH, AND ADJOURNING CASE EVALUATION**

At a session of said Court, held in the City of Detroit
County of Wayne, State of Michigan,

FEB 11 2005

on: _____
Present: Hon. _____

HONORABLE WENDY BAXTER

Circuit Court Judge

The parties, through their respective counsel, hereby stipulate to the following order:

IT IS HEREBY ORDERED that Plaintiff's original complaint filed against Defendants Harper Hospital, an assumed name of Harper-Hutzel Hospital, the Detroit Medical Center, John Barnwell, M.D., J. Piper, RN, and J. Neino, RN, jointly and severally, Case No. 03-324303-NH, shall be dismissed without prejudice and without costs to any party;

IT IS FURTHER ORDERED that all of Plaintiff's allegations and claims against the above referenced Defendants within Case No. 03-324303-NH shall be merged with Plaintiff's pending allegations and claims set forth in Case No. 03-340704-NH, jointly and severally;

IT IS FURTHER ORDERED that the merger of Plaintiff's allegations and claims against the above referenced Defendants in Case No. 03-324303-NH, with those allegations and claims set forth in Case No. 03-340704-NH, shall be deemed to take place simultaneously with, and immediately upon, the dismissal of Case No. 03-324303-NH;

IT IS FURTHER ORDERED that Plaintiff shall be permitted leave to file an amended complaint on Case No. 03-340704-NH, which reflects and memorializes the merger of the allegations and claims as agreed to herein;

IT IS FURTHER ORDERED that upon merger of Plaintiff's allegations and claims against the Defendants in Case No. 03-324303-NH, with Plaintiff's allegations and claims set forth in Case No. 03-340704-NH, it is the intention of all parties through their respective counsel that they be placed in the same position they were in at the time Plaintiff originally filed her complaint in Case No. 03-324303-NH; and the Defendants in Case No. 03-324303-NH will not assert any statute of limitations defense not available at the time Plaintiff filed her initial complaint with respect to each Defendant;

IT IS FURTHER ORDERED that the dismissal of Case No. 03-324303-NH is not, and shall not operate as, an adjudication on the merits;

02/10/2005 15:36 FAX 248 353 5148

FIEGER KENNY JOHNSON

IT IS FURTHER ORDERED that this matter, as merged into Case No. 03-340704-NH, shall have case evaluation, presently scheduled for February 14, 2005, adjourned to April, 2005, on a date and time to be determined by the mediation tribunal association, with discovery being extended through the date of said case evaluation.

HONORABLE WENDY BAXTER

Circuit Court Judge

I hereby stipulate to entry of this order:

Todd J. Weglacz
 Todd J. Weglacz (P48035)
 Attorney for Plaintiff

William Chaklos
 William Chaklos (P33180)
 Attorney for Defendant Harper, et al.

Robert P. Roth / s/ (w/consent)
 Robert P. Roth (P27238)
 Attorney for Defendant Barnwell

Melvin A. Schwartz / s/ (w/consent)
 Melvin A. Schwartz (P37652)
 Attorney for Defendant Glazier

A TRUE COPY
 CATHY M. GARRETT
 WAYNE COUNTY CLERK
 DEPUTY CLERK

EXHIBIT C

**ORDER RE: PLAINTIFF'S MOTION PURSUANT TO
MCR 2.612(C)(1)(a) FOR RELIEF FROM JUDGMENT**

At a session of the Court, held **MAR 24 2006**,
In the County of Wayne, State of Michigan

Hon. Wendy M. Baxter Presiding **HON. WENDY M. BAXTER**

The above-entitled matter having come before the Court on Friday, March 17, 2006, on Plaintiff's Motion Pursuant to MCR 2.612(C)(1)(a) For Relief from Judgment, more particularly, a motion requesting that settlement of the matter, as set forth in the Court's Order of 10/28/05, be set aside, and defendants having responded to the motion, and all parties having appeared for oral argument on plaintiff's motion, and the court having reviewed plaintiff's motion and responses thereto, and the court having heard oral argument and being otherwise fully advised in the premises, it is hereby

ORDERED, that plaintiff's motion pursuant to MCR 2.612(C)(1)(a) for relief from judgement is denied.

SO ORDERED.

HON. WENDY M. BAXTER

Circuit Court Judge

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK
DEPUTY CLERK

MOTION FOR RELIEF FROM JUDGMENT
PURSUANT TO MCR 2.612(C)(1)(a)

NOW COMES Barbara A. Lewis-Clark, Individually, and as Personal Representative of the Estate of Henry O. Clark, Jr., Deceased, plaintiff in the above-entitled matter, through her attorney, Ruth A. Rowley, and moves this court pursuant to MCR 2.612(C)(1)(a) for relief from the Order Approving Settlement and Authorizing Distribution of Wrongful Death Proceeds dated October 28, 2005. More specifically, plaintiff requests this court set aside the settlement and allow plaintiff to proceed to trial on her claim against defendants arising from the wrongful death of her husband, Henry O. Clark, Jr.

Plaintiff makes this request pursuant to MCR 2.612(C)(1)(a), which provides that "[o]n motion and just terms, the court may relieve a party or the legal representative of a party from a final judgment, order, or proceeding on . . . grounds [of]

(a) Mistake, inadvertence, surprise or excusable neglect."

FACTUAL SUPPORT FOR MOTION

1. Plaintiff's decedent, Henry O. Clark, Jr., died on July 3, 2001, while a patient at defendant Harper Hospital, due to intraperitoneal hemorrhage following a laparoscopic cholecystectomy performed on 6/29/01. Fatal hemorrhaging allegedly resulted from excessive administration of heparin, an anticoagulant.
2. In the weeks following Mr. Clark's death, plaintiff endeavored, without success, to obtain information and/or explanation from Harper Hospital concerning the circumstances of her husband's death. In late July or early August of 2001, plaintiff retained the law firm of Fieger, Fieger, Kenney & Johnson, P.C., to initiate

legal proceedings.

3. On or about November 19, 2001, plaintiff was appointed personal representative of Henry O. Clark, Jr.'s estate for the purpose of initiating a wrongful death/medical malpractice action against the above-named defendants.
4. On or about July 24, 2003, plaintiff's attorneys filed a medical malpractice action bearing Case No. 03-324303-NH, and naming as defendants, jointly and severally, Harper Hospital (Harper Hutzel Hospital), Detroit Medical Center, Dr. John Barnwell, Nurse J. Piper and Nurse J. Neino.
5. On or about December 12, 2003, plaintiff's attorneys filed a second medical malpractice action, Case No. 03-340704-NH, naming the above defendants and adding as defendants Virginia Tekeli and Dr. James Glazier.
6. On or about February 17, 2004, the two actions were consolidated under Case No. 03-340704-NH. Over approximately the next year, the parties engaged in depositions and other discovery. Defendants Barnwell, Neino, Piper, and Tekeli were deposed, as were plaintiff and plaintiff's daughter Chandra Clark-Young.
7. Although plaintiff did not receive copies of the various documents filed by her attorneys in the action, and she was not informed of the progress or development of the lawsuit – beyond receiving assurances by her attorney, Todd Weglarz, in response to her inquiries as to how the case was progressing, that the matter was going to trial – plaintiff reasonably believed that her attorneys were vigorously prosecuting the claim. Plaintiff was not told otherwise at any time during the nearly four-year period between her retainer of the Fieger firm and the settlement

hearing on August 31, 2001.

8. The matter went to case evaluation in April of 2005, and mediation in July of 2005. However, the parties were apparently unable to reach a resolution, and plaintiff – who was present at the mediation in July, 2005 – was advised at that time by Attorney Todd Weglarz that he was ready to go to trial. This was the last plaintiff heard until the scheduled settlement conference on August 31, 2005. So far as plaintiff knew, they were going to trial.
9. Although it is not clear from the record whether plaintiff's attorneys actually filed a motion for authority to settle the claim, plaintiff believes that her attorneys intended to settle the matter, and that they had in fact already agreed to a settlement without plaintiff's knowledge or consent.
10. Plaintiff appeared on August 31, 2005, and waited in the courtroom while Attorney Vern Johnson (attending in place of Attorney Todd Weglarz, who, plaintiff was told, was appearing elsewhere on another, unrelated matter) went into the Judge's chambers with counsel for the various defendants.
11. Soon thereafter, Attorney Johnson met with plaintiff outside the courtroom and indicated that the Judge wanted him to convince plaintiff to settle. Plaintiff, shocked, said nothing and went back into the courtroom intending to advise the Judge that she wanted a trial and did not want to settle the case..
12. When plaintiff and Attorney Johnson went into chambers to meet with the Judge, plaintiff immediately advised the Judge that she wanted a trial and did *not* want to settle the matter.

13. However, the Judge was adamant that the parties settle indicating that she did not want to sit through a three-week trial. When plaintiff attempted to explain *why* she wanted a trial, the Judge stated "you want your pound of flesh," to which plaintiff again responded that *she wanted a trial*. At one point in the meeting, the Judge stated that she did not want the doctors to have a black mark on their records. Throughout this discourse, Attorney Johnson said nothing. Plaintiff suspected then that the court had already taken a position adverse to her own in the case, and that her attorneys had effectively compromised her claim. (See plaintiff's supporting Affidavit attached to plaintiff's Motion Pursuant to MCR 2.003 to Disqualify Judge; see also, transcript of proceedings dated October 28, 2005, attached hereto as Exhibit "B.")
14. Immediately following the meeting in chambers, plaintiff and Attorney Johnson went on the record with the settlement. Plaintiff, still stunned by the outcome, responded in automatic, one-word answers to questions she was scarcely hearing as the terms of settlement were placed on the record. When voir dire had been accomplished, plaintiff left the courtroom without saying anything more to anyone.
15. The settlement that was placed on the record on August 31, 2005, effectively dismissed and released defendants from any and all *further* claims of liability. However, it did not constitute a complete *waiver* of all claims of liability. At no point during the August 31, 2005, hearing had plaintiff agreed to sign a release waiving all claims of liability against defendants. (See transcript of Settlement Conference, August 31, 2005, p. 10, attached hereto as Exhibit "A.")

16. However, at the October 28, 2005, hearing on Plaintiff's Motion for Authority to Distribute Wrongful Death Proceeds (which plaintiff's attorneys had filed without plaintiff's knowledge), the Court instructed plaintiff to sign a Release waiving all claims of liability against defendant Harper Hospital as a condition of settlement. The proposed Release (a copy of which is attached hereto as Exhibit "C") effectively requires plaintiff to waive any and all claims of liability against Harper Hospital, and it specifically provides that the hospital has only agreed to pay \$500,000.00 to settle a "doubtful and disputed" claim. Again, plaintiff had not agreed to such a waiver at the settlement proceeding on August 31, 2005. (By order dated December 7, 2005, the court granted plaintiff's attorneys' Motion for Approval/Execution of Release, which they had filed notwithstanding plaintiff's objection.)
17. At the hearing on October 28, 2005, plaintiff again objected to the settlement stating that she was told by her attorneys that they were going to trial. Plaintiff further stated that she had told the Judge in chambers on August 31, 2005, that she wanted to proceed to trial. (Exhibit "B," pp. 14-15.) The court responded to plaintiff's objection by way of analogy to a dating situation where one party says "no, no, no" to intimacy, and then ultimately says "yes," in order to show that plaintiff had effectively done this at the settlement hearing on August 31, 2005. The court then stated that unless plaintiff's concurrence with the settlement was made "under duress" or as a result of her being "overpowered," plaintiff had no defense or way around having said "yes." (Id, pp. 8-9.) Plaintiff believed at that